



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 15.12.2017

CORAM :
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

WEB COPY

W.P (MD) No.20182 of 2017

Parvathi

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Personal Assistant (General) to the District Collector,
Virudhunagar District,
Virudhunagar.

3.The Tahsildhar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

4.The Accountant General,
361, Anna Salai,
Theynampet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to issue necessary direction to the 3rd respondent to forward the application along with the necessary documents to the 4th Respondent for issuance of the death cum retirement benefits and pension benefits of the petitioner's deceased husband Late Narayanan, based on her representation dated 11.07.2016 made to the 1st Respondent.

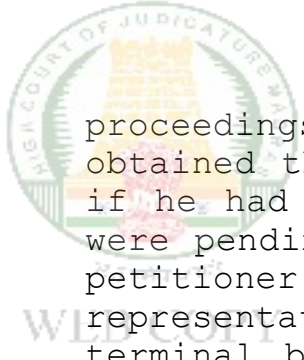
For Petitioner : Mr.K.Kannan

For Respondents 1 to 3 : Mr.A.K.Baskarapandian
Special Government Pleader

For 4th Respondent : Mr.P.Gunasekaran

ORDER

The husband of the petitioner, viz., Narayanan was working as Office Attender in the Office of Thasildar, Srivilliputhur and he had attained the age of superannuation on 30.06.2006. However, before he could retire from service on the said date, by order bearing No. R.O.C.A3/16270/2006 dated 25.06.2006, the said Narayanan was not allowed to retire and disciplinary



proceedings were initiated against him on the ground that he obtained the order of appointment by producing bogus documents as if he had passed 5th Standard. While the disciplinary proceedings were pending, he had died on 16.12.2013. In view of the same, the petitioner as legal heir of the said Narayanan made representations from 10.02.2014 onwards for payment of his terminal benefits, but the same has not been considered so far. Hence, the petitioner has come forward with this Writ Petition to direct the 1st Respondent to issue necessary direction to the 3rd respondent to forward the application along with the necessary documents to the 4th Respondent for issuance of the death cum retirement benefits and pension benefits of the petitioner's deceased husband Late Narayanan, based on petitioner's representation dated 11.07.2016 made to the 1st Respondent.

2. Heard Mr.K.Kannan, the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, the learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.P.Gunasekaran, the learned counsel appearing for the fourth respondent.

3. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3, invited the attention of this Court to G.O.Ms.No.2999 Public (Service (B) Department dated 04.12.1969, in which instructions have been given by the Government of Tamil Nadu to the effect that on the date of death of a Government Servant against whom the disciplinary proceedings have been initiated but not completed, such proceedings shall stand abated. In view of the above said Government Order, it would necessarily follow that on the abatement of the disciplinary proceedings initiated against the said Narayanan, it is deemed as if he had retired from service on 30.06.2016, when he attained the age of superannuation.

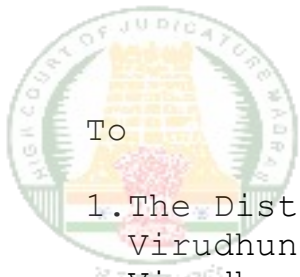
5. Resultantly, there shall be a direction to the Respondents and concerned authorities to consider the representations made by the petitioner and pass appropriate orders for paying the eligible terminal benefits to the petitioner and other legal heirs of the said Narayanan after receiving necessary documents and submission of required forms in that regard and complete that process expeditiously and file a report of compliance in that regard shall be sent to the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai on or before 28.02.2018.

6. The Writ Petition is accordingly disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/



To

1.The District Collector,
Virudhungar District,
Virudhungar.

WEB COPY

2.The Personal Assistant (General) to the District Collector,
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3.The Tahsildhar,
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Srivilliputhur,
Virudhunagar District.

4.The Accountant General,
361, Anna Salai,
Theynampet,
Chennai - 600 018.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.Special Government Pleader,SR. 93368

+1cc to Mr.K.KANNAN,Advocate,SR.93096

+1cc to Mr.P.GUNASEKARAN,Advocate,SR. 93546

SJ

KK/SV MMS/SAR 3/26.12.2017/ 3P- 9C/

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15.12.2017